

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-5 and 7-11 are now present in the application. Claims 1-3, 7 and 9 have been amended. Claims 6 and 12 have been cancelled. Claims 1 and 7 are independent. Reconsideration of this application, as amended, is respectfully requested.

Priority Under 35 U.S.C. §119

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. §119, and receipt of the certified priority document.

Information Disclosure Citation

Applicant thanks the Examiner for considering the references supplied with the Information Disclosure Statement filed on April 15, 2004, and for providing Applicant with an initialed copy of the PTO-1449 form filed therewith.

Drawings Objections

The drawings have been objected to under 37 C.F.R. § 1.83(a). In view of the foregoing amendments to claims, it is respectfully submitted that this objection has been addressed. Accordingly, Applicant respectfully submits that this objection has been obviated and/or rendered moot. Reconsideration and withdrawal of the objection are respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the Related Art disclosed in the present invention (hereinafter "Related Art") in view of Shohei, JP 407063473. This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

The Examiner relied on FIGs. 1 and 2 of the present invention to reject claims 1-12 under 35 U.S.C. § 103(a), which is inappropriate because at the outset, no admission had been made by Applicant that FIGs.1 and 2 qualify as statutory prior art usable in a rejection of the claims of the present invention. Instead, Applicant uses FIGs.1 and 2 as the Related Art to illustrate Applicant's improvement. At least for this reason, Applicants respectfully request that this rejection be withdrawn.

Notwithstanding the above, while not conceding to the Examiner's rejection, but merely to expedite prosecution, as the Examiner will note, independent claims 1 and 7 have been amended to address the Examiner's rejection. In light of the foregoing amendments to claims 1 and 7, Applicant respectfully submits that this rejection has been obviated and/or rendered moot.

Independent claim 1 has been amended to recite a combination of elements including "a cover for covering a machinery chamber having a valve provided thereto", "an opening provided in the cover, the opening being located adjacent to the valve and exposing the valve" and "a protection cap detachably fastened to the cover to cover the opening".

Independent claim 7 has been amended to recite a combination of elements including “a cover attached to the cabinet to cover the machinery chamber”, “an opening provided in the cover, the opening being located adjacent to the valve and exposing the valve” and “a protection cap detachably fastened to the cover to cover the opening”.

Support for the above combinations of elements can be found in FIGs. 3 and 4 of the instant application as originally filed. Applicant respectfully submits that the combinations of elements as set forth in amended independent claims 1 and 7 are not disclosed or suggested by the references relied on by the Examiner.

Shohei discloses a cover plate 23 to cover the machine room 21 (see FIG. 2). The Examiner seemed to construe Shohei’s cover plate 23 as the protection cap of claims 1 and 7. Applicant respectfully disagrees.

First, since there is no opening provided in the cover 40 of the Related Art and located adjacent to the valve 20 and exposing the valve 20 as claimed in amended independent claims 1 and 7, applying Shohei’s cover plate 23 to the cover 40 of the Related art still fails to teach “a protection cap detachably fastened to the cover to cover the opening” as recited in claims 1 and 7, not to mention the fact that the Related Art does not qualify as statutory prior art.

Second, Shohei’s cover plate 23 is used to cover the opening of the machine room 21, which as best understood is the same as the cover 40 of the Related Art used to cover the machinery chamber. Shohei nowhere discloses the cover plate 23 is used to cover the opening in the cover plate 23 itself. In fact, it is impossible to cover the opening in a cover plate by the

cover plate itself. Therefore, it is improper to construe the cover plate 23 as the protection cap of claims 1 and 7.

In addition, Shohei also fails to disclose any opening provided in the cover plate 23 and located adjacent to the valve and exposing the valve as recited in amended independent claims 1 and 7.

Accordingly, neither the Related Art nor Shohei individually or in combination teaches or suggests the limitations of amended independent claims 1 and 7. Therefore, Applicant respectfully submits that amended independent claims 1 and 7 clearly define over the teachings of the Related Art and Shohei.

In addition, claims 2-5 and 8-11 depend, either directly or indirectly, from independent claims 1 and 7, and are therefore allowable based on their respective dependence from independent claims 1 and 7, which are believed to be allowable.

In view of the above remarks, Applicant respectfully submits that claims 1-5 and 7-11 clearly define the present invention over the references relied on by the Examiner. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 are respectfully requested.

Additional Cited References

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

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CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

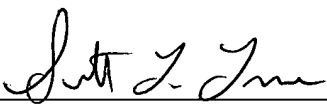
It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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